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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,059	06/28/2001	William Lawrence Morrison		4209

7590 08/01/2002
William L. Morrison
1023 W. Crescent Ave.
Park Ridge, IL 60068

11/1

EXAMINER

ROBINSON, MARK A

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 08/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,059

Applicant(s)

MORRISON, WILLIAM
LAWRENCE

Examiner

Mark A. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 3-6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The limitation of claims 3 and 4 regarding the viewable area ("3 to 40 feet away from said vehicle") is considered to be new matter since such was not found in the disclosure as originally filed.

Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, the recitations of "a first mirror, namely a rear-view mirror" and "a second mirror, namely a back-up mirror" create uncertainty as to the exact nature of the two mirror elements.

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In claim 4 line 14 the recitation "more particularly" creates uncertainty regarding the orientation of the back-up mirror.

Claims 5 and 6 inherit the deficiencies of base claim 3.

Inasmuch as the claims are able to be understood in light of the 112 rejections made above, the following rejection(s) apply:

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 3, 5 and 6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The "back-up mirror system" set forth in claim 3 contains the limitation of a human being, and the inclusion of a person in a claim combination is impermissible. See MPEP 2105.

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Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson.

As discussed previously, Jackson discloses first and second mirrors mounted in a passenger compartment of a vehicle, the second mirror located near an edge of a rear-facing window, with the mirrors being capable of performing the function of allowing viewing of an area to the side/rear of the vehicle.

2. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Yue.

As discussed previously, Yue discloses first and second mirrors mounted in a passenger compartment of a vehicle, with the mirrors being capable of performing the function of allowing viewing of an area to the side/rear of the vehicle.

3. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Rubin.

As discussed previously, Rubin discloses first and second mirrors mounted in a passenger compartment of a vehicle, with

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the mirrors being capable of performing the function of allowing viewing of an area to the side/rear of the vehicle.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson.

Regarding claim 4, a driver of a vehicle using Jackson's arrangement would likely routinely see an image in the second or back-up mirror when looking to the rear of the vehicle. However, as Jackson does not specifically teach turning the driver's head and looking into the second or back-up mirror, this action would have been obvious to one having ordinary skill in the art at the time of invention in order to be apprised of the locations of objects found in the second mirror's viewing area.

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Regarding claim 5, although not taught by Jackson, locating the second mirror on the side pillar between the rear and side windows would have been obvious so that the view out the rear window would be unobstructed (i.e. the second mirror would be out of the way).

6. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yue.

Regarding claim 4, a driver of a vehicle using Yue's arrangement would likely routinely see an image in the second or back-up mirror when looking to the rear of the vehicle. However, as Yue does not specifically teach turning the driver's head and looking into the second or back-up mirror, this action would have been obvious to one having ordinary skill in the art at the time of invention in order to be apprised of the locations of objects found in the second mirror's viewing area.

Regarding claims 5 and 6, although not shown by Yue, location of the second mirror on the side pillar or rear window edge would have been obvious in order to have an unobstructed view out the rear side window.

7. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin.

Regarding claim 4, a driver of a vehicle using Rubin's arrangement would likely routinely see an image in the second or

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back-up mirror when looking to the rear of the vehicle.

However, as Rubin does not specifically teach turning the driver's head and looking into the second or back-up mirror, this action would have been obvious to one having ordinary skill in the art at the time of invention in order to be apprised of the locations of objects found in the second mirror's viewing area.

Regarding claims 5 and 6, although not shown by Rubin, location of the second mirror on the side pillar or rear window edge would have been obvious in order to have an unobstructed view out the rear side window.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (703) 305-3506.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached at (703) 308-1687. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Mark Robinson

Primary Examiner

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7/29/02